



Rep. John M. Cabello

**Filed: 4/14/2015**

09900HB1604ham001

LRB099 06514 AWJ 31565 a

1 AMENDMENT TO HOUSE BILL 1604

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1604 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 10-2.1-17 as follows:

6 (65 ILCS 5/10-2.1-17) (from Ch. 24, par. 10-2.1-17)

7 Sec. 10-2.1-17. Removal or discharge; investigation of  
8 charges; retirement. Except as hereinafter provided, no  
9 officer or member of the fire or police department of any  
10 municipality subject to this Division 2.1 shall be removed or  
11 discharged except for cause, upon written charges, and after an  
12 opportunity to be heard in his own defense. The hearing shall  
13 be as hereinafter provided, unless the employer and the labor  
14 organization representing the person have negotiated an  
15 alternative or supplemental form of due process based upon  
16 impartial arbitration as a term of a collective bargaining

1 agreement. Such bargaining shall be mandatory unless the  
2 parties mutually agree otherwise. Any such alternative  
3 agreement shall be permissive.

4 If the chief of the fire department or the chief of the  
5 police department or both of them are appointed in the manner  
6 provided by ordinance, they may be removed or discharged by the  
7 board of fire and police commissioners if the municipality has  
8 such a board or the appointing authority if the municipality  
9 does not have a board of fire and police commissioners. In such  
10 case the appointing authority shall file with the corporate  
11 authorities the reasons for such removal or discharge, which  
12 removal or discharge shall not become effective unless  
13 confirmed by a majority vote of the corporate authorities. The  
14 board of fire and police commissioners shall conduct a fair and  
15 impartial hearing of the charges, to be commenced within 30  
16 days of the filing thereof, which hearing may be continued from  
17 time to time. In case an officer or member is found guilty, the  
18 board may discharge him, or may suspend him not exceeding 30  
19 days without pay. The board may suspend any officer or member  
20 pending the hearing with or without pay, but not to exceed 30  
21 days. If the Board of Fire and Police Commissioners determines  
22 that the charges are not sustained, the officer or member shall  
23 be reimbursed for all wages withheld, if any. In the conduct of  
24 this hearing, each member of the board shall have power to  
25 administer oaths and affirmations, and the board shall have  
26 power to secure by its subpoena both the attendance and

1 testimony of witnesses and the production of books and papers  
2 relevant to the hearing.

3 The age for retirement of policemen or firemen in the  
4 service of any municipality which adopts this Division 2.1 is  
5 65 years, unless the Council or Board of Trustees shall by  
6 ordinance provide for an earlier retirement age of not less  
7 than 60 years.

8 The provisions of the Administrative Review Law, and all  
9 amendments and modifications thereof, and the rules adopted  
10 pursuant thereto, shall apply to and govern all proceedings for  
11 the judicial review of final administrative decisions of the  
12 board of fire and police commissioners hereunder. The term  
13 "administrative decision" is defined as in Section 3-101 of the  
14 Code of Civil Procedure.

15 Nothing in this Section shall be construed to prevent the  
16 chief of the fire department or the chief of the police  
17 department from suspending without pay a member of his  
18 department for a period of not more than 5 calendar days, but  
19 he shall notify the board in writing of such suspension. The  
20 hearing shall be as hereinafter provided, unless the employer  
21 and the labor organization representing the person have  
22 negotiated an alternative or supplemental form of due process  
23 based upon impartial arbitration as a term of a collective  
24 bargaining agreement. Such bargaining shall be mandatory  
25 unless the parties mutually agree otherwise. Any such  
26 alternative agreement shall be permissive.

1           Any policeman or fireman so suspended may appeal to the  
2 board of fire and police commissioners for a review of the  
3 suspension within 5 calendar days after such suspension, and  
4 upon such appeal, the board may sustain the action of the chief  
5 of the department, may reverse it with instructions that the  
6 man receive his pay for the period involved, or may suspend the  
7 officer for an additional period of not more than 30 days or  
8 discharge him, depending upon the facts presented.

9           (Source: P.A. 95-356, eff. 8-23-07.)

10           Section 99. Effective date. This Act takes effect upon  
11 becoming law."